REMARKS

Claims 11 and 14-20 were pending in the present application. Claims 14-16 have been withdrawn from consideration. Claim 11 has been amended herein as suggested by the Examiner. No new matter has been added. Upon entry of the present amendment, claims 11 and 14-20 will remain pending (of which 14-16 are withdrawn).

I. The Claimed Invention Is Novel

Claims 11 and 17-20 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,962,500 (hereinafter, the "Eide reference"). The Office asserts that the Eide reference reports "imidazole compounds [such as EXP-3174] that are angiotensin II antagonists for the improvement of insulin sensitivity…" and further asserts that "'insulin sensitivity' was a previous name for metabolic syndrome…" (see, Final Rejection at page 4). Solely to advance prosecution of the present application, however, Applicants have amended claim 11 to delete formula I:2. Thus, the Eide reference does not teach every feature recited in amended claim 11, or claims dependent thereon. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn.

II. The Claimed Invention Is Not Obvious

Claims 11 and 17-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of the Eide reference and U.S. Patent Application Publication No. US 2006/0069133 (hereinafter, the "Terashita reference"). The Office mistakenly asserts that it would have been *prima facie* obvious for one skilled in the art to "substitute EXP-3174 [reported in the Eide reference] in the treatment of Syndrome X taught by Terashita" (see, Final Rejection at pages 4-5). As pointed out above, claim 11 has been amended to delete formula I:2. Thus, the Office's combination of the Eide and Terashita references is no longer tenable. Therefore, the claimed invention is not obvious in view of the combination of cited references. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn.

III. The Claims Are Clear And Definite

Claims 11 and 17-20 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Office asserts that the term "alone" in claim 11 is ambiguous because it allegedly may be construed two different ways. Although Applicants continue to disagree for the reasons already of record, solely to advance prosecution of the present application, claim 11 has been amended as suggested by the Office to further recite "as the only active ingredient." Thus, the claims are definite within the meaning of §112. *In re Mercier*, 185 U.S.P.Q. 774 (C.C.P.A. 1975) (claims sufficiently define an invention so long as one skilled in the art can determine what subject matter is or is not within the scope of the claims). Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

IV. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Office is invited to contact Applicants' undersigned representative at (610) 640-7859 if there are any questions regarding Applicants' claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

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Date: **25 June 2008**

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